546.

SUPREME COURT OF THE UNITED STATES.

No. 146.

PHILIP PECK & WM. BELLOWS, &c., PLFF'S IN ERROR,

vs.

JOHN S. JENNESS, JOHN GAGE, & JOHN E. LYON, &c.

IN ERROR TO THE SUPERIOR COURT OF JUDICATURE FOR THE STATE OF NEW HAMPSHIRE.

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J. & G. S. Gideon, printers.

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

I, Leonard Bisco, clerk of the superior court of judicature, for and within said county of Cheshire, do certify, that the annexed papers, numbered from 1 to 18 inclusive, contain a true copy of the record of the proceedings and judgment in a suit in error in said court, between Philip Peck and William Bellows, plaintiffs in error, and John S. Jenness, John Gage, and John E. Lyon, defendants in error.

[SEAL.] Given under my hand, and the seal of said court, at Keene, in said county, this twenty-third day of October, A. D. 1845.

LEONARD BISCO, *Clerk*.

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

At the superior court of judicature, holden at Newport, in our county of Sullivan, within and for the third judicial district in said State, on the first Tuesday, it being the first day of July, and continued by adjournment to the second day of the same month inclusive, in the year of our Lord one thousand eight hundred and forty-five.

Present, the honorable Joel Parker, chief justice; John J. Gilchrist, Andrew S. Woods, justices.

PECK et al.
vs.
JENNESS et al., in error.

THE STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

[L. S.] To our trusty and well beloved Joel Parker, esquire, chief justice of our court of common pleas, greeting:

Whereas, in the record and process, as well as in giving judgment of a suit that was in our court of common pleas, holden at Keene, within and for said county, on the third Tuesday of March, A. D. 1845, before your companions, then our justices of our said court, between John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and State of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Co., plaintiffs, and Philip Peck and William Bellows, both of Walpole, in said county of Cheshire, merchants and co-partners, negotiating under the firm of Philip Peck & Co., defendants, as it is said, manifest error hath happened to the grievous damage of the said Peck and Bellows, as we by their complaint perceive; we, desiring the error, if any has been committed, may be corrected, and full and speedy justice done to the parties aforesaid, command you, that if judgment be thereof given, you distinctly and openly send us the record and process of the suit aforesaid, with all things touching them, under your seal, with this writ, so that we may have them at our superior court of judicature, to be holden at Newport, in our county of Sullivan, within and for the third judicial district, on the first Tuesday

of July next; that, inspecting the record and process aforesaid, we may, for the correcting the errors therein, further cause to be done, what of right, and according to the law of the land, ought to be done.

Witness, Joel Parker, esquire, at Keene, in said county of Cheshire, this sixteenth day of June, A. D. 1845.

L. BISCO, *Clerk*.

Which said record and process, whereof mention is made in the foregoing writ, are as follows:

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

At the court of common pleas, holden at Keene, within and for the county of Cheshire, on Tuesday, the eighteenth day of March, and continued by adjournment from day to day, Sunday excepted, until the twenty-eighth day of the same month, in the year of our Lord one thousand eight hundred and forty-five.

Present, the honorable Ira A. Eastman, presiding justice; Horace Chapin, Nathan G. Babbitt, justices; Joel Parker, chief justice, presiding the last day of the term.

JENNESS et al.
vs.
PECK et al.

John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and commonwealth of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Company, plaintiffs, against Philip Peck and William Bellows, both of Walpole, in said county of Cheshire, merchants and co-partners, negotiating under the firm of Philip Peck & Company, defendants, in a plea of the case, for that the said Bellows and Peck, at said Keene, on the day of the date of this writ, being indebted to the plaintiffs in the sum of two thousand dollars for sundry goods, wares, and merchandise by the plaintiffs before that time sold and delivered to the defendants, at their request, and for money by the said Bellows and Peck before that time had and received to the plaintiffs' use, and for interest due on the same, then and there, in consideration thereof, promised the plaintiffs to pay them the same sum on demand.

Yet the defendants, though often requested, the same have not paid, but neglect, to the damage of the said Jenness, Gage and Lyon, as they say, the sum of two thousand dollars.

This action was served on the 10th of October, 1842, by the attachment of the goods, chattels, and lands of the defendants, and was entered at the April term, 1843, when the plaintiffs appeared, and the case was continued. And thereafterward, at the October term, 1843, leave was granted by the court to the defendants upon their motion to appear, and the action was further continued. And thereafterward, at the April term, 1844, Aaron P. Howland, of said Walpole, assignee of each of the defendants, was, upon motion, admitted by the court to come in and

defend in the name of each of said defendants; and thereupon were filed the defendants' several pleas, the plaintiffs' replications thereto, the defendants' rejoinders, as set forth in the said several pleas, replications, and rejoinders. Whereupon, the plaintiffs moved the court to reject the rejoinders, and for an order upon the defendants to file new rejoinders; and it was thereupon ordered that the questions arising upon said motion, and the aforesaid pleadings as then filed, be reserved and referred to the decision of the superior court of judicature, and that the action be continued. And thereafterward, at the July term, A. D. 1844, of said superior court of judicature, it was ordered that the motion aforesaid be denied, and said order was thereupon certified to this court. And thereafterward, at the October term, 1844, the plaintiffs demurred to the rejoinders of the defendants, and the case was continued to this term. And now, at this term, the parties appear by their counsel, and agree, that the pleadings on the part of the defendants may be amended by filing new pleas and rejoinders, which were accordingly filed; and thereupon the defendants joined in the demurrers of the plaintiffs, which said pleadings were as follows, viz :

And now the said Philip Peck, one of the said defendants, comes and defends, &c., when, &c., and for plea says, that the said plaintiffs their action aforesaid ought not further to have or maintain against him, because he says, that heretofore, viz, on the twenty-sixth day of November, in the year of our Lord eighteen hundred and forty-two, the said Philip Peck, being then a resident of Walpole, in the said county of Cheshire, and State of New Hampshire, did present his petition to the district court of the United States, holden at Portsmouth, within and for the said district of New Hampshire, wherein, among other things, the said Philip Peck did aver, that he was then a resident of Walpole aforesaid, that he was then and there a co-partner in two firms, trading under the style of Bellows & Peck, and Philip Peck & Company, which said firms consisted of himself and one William Bellows; that he was then and there owing debts in his private capacity, and as a co-partner in said firms, and that according to the best of his knowledge and belief a list of the names and places of residence of the said creditors, and of the amount due to each, was contained in a schedule annexed to the said petition, and marked A; that another schedule, annexed to the said petition, contained an accurate inventory of his property, rights, and credits, private and co-partnership as aforesaid; that the petitioner was unable to meet his engagements, and therefore applied to the said district court for the benefit of the act of Congress, entitled "An act to establish an uniform system of bankruptcy throughout the United States;" and thereupon the said petitioner prayed, that after due proceedings had, he might be decreed to be a bankrupt within the purview of the said act of Congress, and that he might be decreed to have a certificate of discharge from all his debts proveable under the said act, upon complying with all the requisitions of the said act of Congress, and with all the orders and directions of the said district court in the premises.

And the said Philip Peck doth further aver, that on the same twenty-sixth day of November aforesaid, the said William Bellows, then being his copartner as aforesaid, did present to the said district court, holden as aforesaid, his petition, wherein he averred and set forth the same facts respecting himself, the said William Bellows, as were averred by the said Philip Peck in his aforesaid petition, and thereupon prayed that he might be decreed a bankrupt as aforesaid, and have his certificate of discharge as aforesaid. And the said Philip Peck doth further aver, that upon the presentation of each of the said petitions such proceedings were had that, after due notice to all persons interested to appear, if they should see fit, and show cause why the prayer of the said petitioner should not be granted, it was ordered and decreed by the said district court, holden on the twenty-first day of December, in the year last aforesaid, at Exeter, in the said district, that the said Philip Peck and William Bellows, and each of them, be declared bankrupts in their private capacities, and as copartners in the said firms, pursuant to the act of Congress aforesaid. And the said Philip Peck doth further aver, that thereafterwards it was further decreed, in the matters of the said petitions by the said district court, holden at Exeter aforesaid on the twenty-eighth day of December last aforesaid, that Aaron P. Howland, of Walpole aforesaid, be, and he thereby was, duly appointed the assignee of the estates of the said Philip Peck and of the said William Bellows, and of the said firms; and thereupon, the said Howland took upon himself the said trusts, and gave a bond with sureties for the faithful performance thereof; whereby, and by force of the said act of Congress, all the property and rights of property, which were of the said Peck and of the said Bellows, and of each of them, and of the said firms, at the time of the making of the said decrees of bankruptcy, were vested in the said Howland in his said capacity. And the said Philip Peck doth further aver, that in the matter of his said petition, he did afterwards, viz, on the thirty-first day of March, in the year of our Lord eighteen hundred and forty-three, present to the said district court, holden at Portsmouth, within the said district, on the day and year last aforesaid, his certain other petition, wherein he represented that he was decreed a bankrupt as aforesaid; that he had surrendered all his property, and rights of property, had fully complied with and obeyed all the orders and directions of the said court touching his bankruptcy, and was then ready to submit himself to any other or further examinations, orders, and directions which the said district court might require; and therefore he did pray, that after due notice and proceedings had in the premises, he might be decreed by the court to have a full discharge from all his debts, private and partnership, as aforesaid, proveable under the said bankruptcy; and that a certificate thereof might be granted according to the act of Congress aforesaid.

And the said Philip Peck doth further aver, that thereafterwards, viz, on the same day, upon the filing of the said last mentioned petition, it was ordered by the said district court, that notice of the said last mentioned petition should be published in two certain newspapers, printed in

the said district, seventy days at least before the twenty-first day of June then next, on which last mentioned day a hearing would be had on said last mentioned petition, at the court house, in Portsmouth aforesaid, at ten o'clock in the forenoon; and that all creditors who had proved their debts, and other persons in interest, might appear at the same time and place, and show cause, if any they had, why the prayer of the said petitioner should not be granted. And it was further ordered by the said district court, that all such creditors whose places of residence were known should be entitled to a notice of the said last mentioned petition and order, either personally, or by a letter, addressed to each creditor at his known and usual place of residence, attested by the clerk of the said district court, and served, or left at his usual place of abode, by the marshal or his deputy, or sent by the mail, whereof due proof was to be given. And the said Philip Peck doth further aver, that due publication was made, and due notice given, of the said last mentioned order according to the terms thereof; and afterwards, viz, on the said twenty-first day of June, at Portsmouth aforesaid, it being made to appear to the said district court, holden at the time and place in the said last mentioned order designated, that due notice had been given upon the said last mentioned petition, and that the said Philip Peck had bona fide surrendered all the property, and rights of property, of himself and the said firms, with the exceptions allowed by the said act; that he had fully complied with, and obeyed, all the orders and directions, which had been from time to time passed by the said district court, had otherwise conformed to all the requisites of the said act, and that no written dissent to such discharge had been filed by a majority, in number and value of his creditors, who had proved their debts; and no cause being then shown to the said district court why the prayer of the said petitioner should not be granted, it was therefore, by virtue of the act aforesaid, ordered, decreed, and allowed by the said district court, that the said Philip Peck be, and that he thereby was, fully discharged of and from all his debts, owing by him in his private right and capacity, and as a copartner in either of the said firms, at the time of the presentation of his said petition, to be decreed a bankrupt, on the twenty-sixth day of November, in the year of our Lord eighteen hundred and forty-two; and it was further ordered, that a copy of the said decree, under the seal of the said district court, should be delivered to the said Philip Peck as his certificate of discharge, upon application by him therefor.

All which will more fully appear in and by the duly authenticated copy of the records of the said district court, in the matters of the said bankruptcy, which is here in court to be produced. And the same Philip Peck doth further aver, that thereafterwards, viz, on the said twenty-first day of June, he did apply for, and obtain, a copy of the said last mentioned decree, under the seal of the said district court as and for his certificate of discharge.

And the said Philip Peck doth further aver, that the said several promises by the said plaintiffs in their said declaration alleged, were all made before the said twenty-sixth day of November aforesaid, and were prove-

able under the said bankruptcies, and were not debts contracted nor promises made in any fiduciary capacity; and this he is ready to verify. Wherefore he prays judgment, if the said plaintiffs ought further to have or maintain their aforesaid action.

By HANDERSON & EDWARDS,
His attorneys.

And now the said William Bellows, one of the said defendants, comes and defends, &c., when, &c., and for plea says, that the said plaintiffs, their action aforesaid ought not further to have or maintain against him; because he says, that heretofore, viz, on the twenty-sixth day of November, in the year of our Lord eighteen hundred and forty-two, the said William Bellows, being then a resident of Walpole, in the said county of Cheshire, and State of New Hampshire, did present his petition to the district court of the United States, holden at Portsmouth, within and for the said district of New Hampshire, wherein, among other things, the said William Bellows did aver, that he was then a resident of Walpole aforesaid, that he was then and there a copartner in two firms, trading under the style of Bellows and Peck, and Philip Peck and Company, which said firms consisted of himself and one Philip Peck; that he was then and there owing debts in his private capacity, and as a copartner in said firms, and that according to the best of his knowledge and belief a list of the names and places of residence of the said creditors, and of the amount due to each, was contained in a schedule annexed to the said petition, and marked A; that another schedule annexed to the said petition contained an accurate inventory of his property, rights, and credits, private and copartnership as aforesaid; that the petitioner was unable to meet his engagements, and therefore applied to the said district court for the benefit of the act of Congress, entitled "An act to establish an uniform system of bankruptcy throughout the United States," and thereupon the said petitioner prayed, that after due proceedings had, he might be decreed to be a bankrupt, within the purview of the said act of Congress; and that he might be decreed to have a certificate of discharge from all his debts, proveable under the said act, upon complying with all the requisitions of the said act of Congress, and with all the orders and directions of the said district court in the premises.

And the said William Bellows doth further aver, that on the same twenty-sixth day of November aforesaid, the said Philip Peck, then being his copartner as aforesaid, did present to the said district court, holden as aforesaid, his petition, wherein he averred and set forth the same facts respecting himself, the said Philip Peck, as were averred by the said William Bellows in his aforesaid petition; and thereupon prayed that he might be decreed a bankrupt as aforesaid, and have his certificate of discharge as aforesaid.

And the said William Bellows doth further aver that, upon the presentation of each of the said petitions, such proceedings were had that, after due notice to all persons interested to appear, if they should see fit, and show cause why the prayer of the said petitions should not be

granted, it was ordered and decreed, by the said district court, holden on the twenty-first day of December, in the year last aforesaid, at Exeter, in the said district, that the said William Bellows and Philip Peck, and each of them, be declared bankrupts in their private capacities, and as copartners in the said firms, pursuant to the act of Congress aforesaid. And the said William Bellows doth further aver that thereafterwards, it was further decreed, in the matters of the said petitions, by the said district court holden at Exeter aforesaid, on the twenty-eighth day of December last aforesaid, that Aaron P. Howland, of Walpole aforesaid, be, and he thereby was, duly appointed the assignee of the estates of the said William Bellows, and of the said Philip Peck, and of the said firms; and thereupon the said Howland took upon himself the said trusts, and gave a bond, with sureties, for the faithful performance thereof; whereby, and by force of the said act of Congress, all the property, and rights of property, which were of the said Bellows, and of the said Peck, and of each of them, and of the said firms at the time of the making of the said decrees of bankruptcy, were vested in the said Howland in his said capacity. And the said William Bellows doth further aver that, in the matter of his said petition, he did afterwards, viz., on the thirty-first day of March, in the year of our Lord eighteen hundred and forty-three, present to the said district court, holden at Portsmouth within the said district, on the day and year last aforesaid, his certain other petition, wherein he represented that he was decreed a bankrupt as aforesaid; that he had surrendered all his property and rights of property, had fully complied with and obeyed all the orders and directions of the said court touching his bankruptcy, and was then ready to submit himself to any other or further examinations, orders, and directions, which the said district court might require; and therefore he did pray that, after due notice and proceedings had in the premises, he might be decreed by the court to have a full discharge from all his debts, private and partnership as aforesaid, proveable under the said bankruptcy; and that a certificate thereof might be granted according to the act of Congress aforesaid.

And the said William Bellows doth further aver that thereafterwards, viz., on the same day, upon the filing of the said last mentioned petition, it was ordered by the said district court that notice of the said last mentioned petition should be published in two certain newspapers, printed in the said district, seventy days at least before the twenty-first day of June then next, on which last mentioned day a hearing would be had on said last mentioned petition, at the court-house, in Portsmouth aforesaid, at ten o'clock in the forenoon; and that all creditors who had proved their debts, and other persons in interest, might appear at the same time and place, and show cause, if any they had, why the prayer of the said petitioner should not be granted. And it was further ordered by the said district court, that all such creditors, whose places of residence were known, should be entitled to a notice of the said last mentioned petition and order, either personally, or by a letter addressed to each creditor at his known and usual place of residence, attested by the

clerk of the said district court, and served or left at his usual place of abode by the marshal or his deputy, or sent by the mail, whereof due proof was to be given. And the said William Bellows doth further aver, that due publication was made, and due notice given, of the said last mentioned order according to the terms thereof; and afterwards, viz., on the said twenty-first day of June, at Portsmouth aforesaid, it being made to appear to the said district court, holden at the time and place in the said last mentioned order designated, that due notice had been given upon the said last mentioned petition, and that the said William Bellows had bona fide surrendered all the property and rights of property of himself and the said firms, with the exceptions allowed by the said act; that he had fully complied with and obeyed all the orders and directions which had been, from time to time, passed by the said district court, had otherwise conformed to all the requisites of the said act, and that no written dissent to such discharge had been filed by a majority in number and value of his creditors who had proved their debts; and no cause being then shown to the said district court why the prayer of the said petitioner should not be granted, it was therefore, by virtue of the act aforesaid, ordered, decreed, and allowed, by the said district court, that the said William Bellows be, and that he thereby was, fully discharged of and from all his debts owing by him in his private right and capacity, and as a co-partner in either of the said firms at the time of the presentation of his said petition to be decreed a bankrupt, on the twenty-sixth day of November, in the year of our Lord eighteen hundred and forty-two; and it was further ordered, that a copy of the said decree, under the seal of the said district court, should be delivered to the said William Bellows as his certificate of discharge upon application by him therefor.

All which will more fully appear in and by the duly authenticated copy of the records of the said district court in the matters of the said bankruptcy, which is here in court to be produced. And the same William Bellows doth further aver, that thereafterwards, viz., on the said twenty-first day of June, he did apply for and obtain a copy of the said last mentioned decree under the seal of the said district court, as and for his certificate of discharge.

And the said William Bellows doth further aver, that the said several promises, by the said plaintiffs in their said declaration alleged, were all made before the said twenty-sixth day of November aforesaid, and were proveable under the said bankruptcies, and were not debts contracted nor promises made in any fiduciary capacity, and this he is ready to verify. Wherefore he prays judgment if the said plaintiffs should further have or maintain their action aforesaid.

By HANDERSON & EDWARDS,
His Att'ys.

And the said plaintiffs, as to the said plea of the said defendant, Philip Peck, by him above pleaded, say that they, the said plaintiffs, by reason of any thing by the said defendant, Philip Peck, alleged,

ought not to be barred from further having and maintaining their aforesaid action thereof against him, the said defendant, Philip Peck, because, protesting that the said Philip Peck was not declared bankrupt as in the said plea mentioned, and that the said Philip Peck was not discharged of and from all his debts, as in the said plea mentioned; nevertheless, for replication in this behalf, the said plaintiffs say that, before any act of bankruptcy done or committed by the said Philip Peck, and before said petition by him filed for the benefit of the act to establish a uniform system of bankruptcy throughout the United States, in said plea mentioned, to wit, on the 8th of October, A. D. 1842, the plaintiffs, in good faith, sued and prosecuted out of the court of common pleas aforesaid their said writ of attachment against the above named defendants, Philip Peck and William Bellows; the said defendants, Philip Peck and William Bellows, on the day last aforesaid, being justly indebted to the said plaintiffs, directed to the sheriff of any county in this State or his deputy, in and by which said writ such sheriff, or his deputy, were commanded to attach the goods or estate of the said Philip Peck and William Bellows to the value of two thousand dollars, and to summon the said Philip Peck and William Bellows to appear before the justices of the court of common pleas to be holden at Keene, within and for the said county of Cheshire, on the first Tuesday of April then next, to answer to the said plaintiffs, in a plea of the case, for not performing the promises in plaintiff's declaration mentioned, as by said declaration will more fully and at large appear; upon and by virtue of which said writ, Hope Lathrop, a deputy of the sheriff, within and for the county of Cheshire aforesaid, on the 10th of October, A. D. 1842, attached, and took into his custody and possession, as security for such judgment as the plaintiffs in their said suit might obtain, and now retains custody thereof, divers goods and chattels, to wit: 24½ bushel oats, 40⅛ bush. grass seed, 777 lbs. clover do., 11 cradles, 27 patent snaths, 8 hay forks, 5 flails, 4 fork handles, 203 dozen rakes, 1 bush. corn, 18 butter firkins, 14 old scythes, 1 sheet iron stove, 4 ploughs, lot measures, wash-tub, 2 old sacks, lot wood, 55 buffaloe robes, 15 fox and mink skins, glass sash for case, 4 bales feathers, wagon boxes, 13 saw frames, 9 axe helves, 15 stoves, 3 fire frames, 46 pc. iron ware, 7 pr. fire-dogs, 10 plough-points, 3 iron pans, 1 pair shovel and tongs, 1 rocking and 1 little chair, 4¼ lb. wool, 5 b. pots, 23$\frac{5}{12}$ doz. B. earthen, 8 doz. 2d and 3d size do., 13 bushel walnuts, large tub, 5 doz. axe helves, 17 ps. tin ware, 3 c. bottom teakettles, 3 tin pots, 1 lamp filler and cup, 80 ps. stone ware, 9 butter pots, 8 stone jugs, 10 stone covered pots, 4 without covers, 1 stone furnace, lot cheese-hoops, 5-prong hoes, 9 fork handles, clothes-pins, 29 tubs, 5 wooden pails, 283 corn-brooms, old scythes, Indian point stones, 23⅛ lb. lamp black, 7¾ bush. flax seed, 12 qts. mustard do., 1 b. box, 741 leaf hats, 91 leaf brooms, 12 corn baskets, 2 clothes do, old stove pipe, 6 chairs, 2 tables, 1 maple do, 2 hair mattresses and bedding, 2 creek bedsteads, 16 fur caps, 1 cloth do, 4 pair boots, lot cotton batting, 22 fur hats, 1 w. head, 7 hay forks, 24½ lbs. old brass and

pewter, 20 meal bags, 14 cotton do, 82 corn brooms, 7 palm leaf do, 6 manure forks, 3 setts scales and weights, 1 Fairbanks do, 1 Gay do, 1 counter do, 1 broken fork, 7 Chesterfield do, 5 pat. scythe snaths, 4 bbls. fustic, 341 rugs, 51 lb. sacking, 27 straw J., 4 stone pitchers, 4 butter pots, 5 flower do, 35 covered, 2 small firkins, 1 s. tub, 1 water fountain, 7 f. irons, 1 pump, 4 southern, 551 lb. iron, 4 weights, 2 old w. saws, 4 old axes, 2 vitriol bottles, 12½ lb. glue, 458 lb. rice, 2 boxes No. 1 soap, 67¾ lb. bar do, 600 lb. French yellow, 76 P. white, 48 lb. whiting, 1 bbl. do, 190 lb. w. lead, 147 lb. do, 37 lb. Spanish brown, 17 reams sand paper, 53 lb. tallow, 117 lb. ground rice, 12 lb. stone yellow, 14 lb. Paris green, 157 lb. d. fish, 56 s. stones, 41 G. steel scythes, 4 bush do, 2 g. hoes, 26 lb. tea lead, 2 oil cans, 15 gall. oil, 30 lb. shad, 16 c. s. hoes, 5 wooden trays, 10 hoes, 225 lb. starch, 1 sheet iron pan, 21 lb. sheep tobacco, 133 poor do, 46½ lb. square hand, 90 lb. Cavendish, 13½ lb. powder, 316 lb. butter, 5 hhds., lot of old casks, oil and rum bbls., 38 butter tubs, 1 sett c. mats, lot old fassets, lot iron wire, 6⅓ doz. hooks, 52 pd. tobacco, 172 covered w. stalks, 3 doz. clothes pins, 175 lb. hams, 12 lb. p. leaf, 26½ lb. pepper, 8½ ground cinnamon, 6 $\frac{2}{16}$ lb. cloves, 50½ ginger, 145 lb. starch, 59 lb. tea, 30 lb. blue vitriol, 40 lb. copperas, 1 indigo, 1 lb. p. starch, 4 lb. H. pt., 1 lb. goon, 10 lb. ivory black, 9½ lb. turpentine, 3 $\frac{2}{16}$ lb. mod., 10 lb. vermillion, 1 lb. crome or lead, 8 $\frac{10}{16}$ lb. French green, 12¾ lb. whiting, 7¼ lb. y. red, 90 lb. red lead, 54⅓ lb. litherage, 11¾ lb. P. green, 17½ lb. pink, 7½ lb. crome green, 4½ lb. brimstone, ¾ lb. Prussian blue, 1½ lb. w. vitriol, 1½ cream tartar, 12 pa. table salt, 9 boxes caquin, 1 gall. wine, 20 gall. st. rum, 4 H. gin, 3 gall. molasses, 4 maple do, 2 jugs, 42 lb. French green, 60 lb. yellow, 48 lb. b. lead, 90½ lb. snuff, 194 lb. butter, 13½ lb. yellow snuff, 15 lb. P. o. s., 1810 lb. iron, 40½ G. steel, 2 cold run kettles, 2 iron frames, 1 wheelbarrow, 81 lb. shot, 11 canisters powder, 26 rolls paper, 5 boxes leather pre., 38 paste blacking, 13 sponge do, 59 q. cap paper, 7 bunches quills, 18 pc. Indian rubbers, 5 c. c. chambers, 13 tea pots, 4 pitchers, 2½ pr. W. wood, 8 wash bowls, 17 printed do, 4 soup tureens, 19 mugs, 14 pitchers, 71 pitchers, 22 stone ware, 8 mugs, 2 mustards, 2 pitchers, 19 $\frac{10}{12}$ doz. bowls, 9 pots and cups, 3 s. cellars, 14 bowls, 12 nappies, 64⅓ doz. plates, 4¾ doz. cups, 1 doz. cups, 14 China and blue tea setts, 4 doz. coffee cups, 4 setts tea cups, 21 tea pots, 4 wedgewood, 3 sugar bowls, 7 gravy dishes, 2 boxes soap, 1 butter plate, 1 mould, 6 pr. b. dishes, 4 pr. b. and groul do, 19 setts common teas, 7 setts cups, 19 creams, 46 toy pitchers, 2 mugs, 1⅓ doz. custard, 44 platters and deep dishes, 2 printed nappies, 51 bottles ink, 6 lamps, 6 l. and China, 4 China pitchers, 1 vase, 25 glass dishes, 61 do, 5⅕ doz. cup plates, 12 mustard pots, 7 cha. glasses, 17 wine do, 6¾ doz. tumblers, 11¾ doz. common do, 8 e. glass, 6 large tumblers, 5 doz. cruets, 5 cut g. salts, 38 common do, 4 lamps, 1 nipple shell, 4 glass bottles, 8 cruets, 29 glass lamps, 21½ pr. do, 3 bottles lemon, 4 do castor oil, 9 rose water, 1½ p. pit lamps, 6 inkstands, 3 castors, 2 b. caps, 3 oz. isinglass, 3 car bills, 3 carpet bag clasps, 4 t. guild irons, 33 doz. corks, 174 pa. garden

seeds, 1 coffee mill, 2 flower pots, hardware, 2 patent locks, 3 doz. chest do, 7 mortice do, 30 pad do, 20 French do, 10 door do, 13 chest do, 16 brass do, 1 stock do, 21 screw drivers, 8 doz. wooden knobs, $1\frac{1}{2}$ pr. brass candlesticks, 4 shop lamps, 12 pr. brushes, 3 polishing do, 10 chopping knives, 14 pr. snuffers, 10 iron candlesticks, 3 pit lamps, 7 Japan do, 10 inkstands, 9 inkstands, 18 bret. pel., 5 rose wood door handles, 2 locks, 8 brass latches, 71 hones, $4\frac{10}{12}$ doz. window springs, 8 doz. do, 11 set castors, $1\frac{1}{2}$ doz. b. rings, 9 doz. curtain rings, $7\frac{1}{2}$ doz. do, $6\frac{1}{2}$ doz. bed caps, $1\frac{1}{2}$ doz. brass knobs, $\frac{5}{12}$ doz. brass rings, 3 pr. jap. hooks, 29 child's do, 47 sett table knives, 9 butcher do, 7 bread knives, $6\frac{1}{2}$ doz. gimblets, 6 axes, $\frac{5}{8}$ gross matches, 12 doz. c. loop, 6 doz. fiddle strings, 11 c. s. saw plate, 29 hand saws, 12 key do, 2 doz. glass knobs, 1 carriage wrench, 1 brass knob, 1 bell handle, 15 iron, steel, and try squares, 13 waiters, 8 snuffer trays, 62 boxes p. caps, 43 lead pencils, 176 p. augers, 4 hearth brushes, 2 pr. shovel and tongs, 20 pr. fire dogs, 88 ox bells, 1 circular saw, 1 bit stock, 44 whips s. stalks, 1 sett chisels, 22 pr. spectacles, 7 door bells, 35 plane irons, 26 razor strops, 69 pocket books and wallets, 2 pr. strap joints, 4 shaving brushes, 33 razors, 5 cases do, 9 doz. steel pens, 7 tea bells, 5 corkscrews, 9 punches, 3 b. glasses, 36 sett furniture blinds, 3 doz. hap. pins, 3 sash pulleys, 2 lb. K. ears, 6 doz. brass hooks, $3\frac{10}{12}$ brass c., $\frac{10}{12}$ gro. star eyes, $4\frac{1}{3}$ doz. brass knobs, 4 hammers, $8\frac{1}{4}$ b. knobs, 7 watch chains, 2 pr. curtain rings, $6\frac{10}{12}$ doz. hooks and eyes, 2 doz. table covers, $1\frac{3}{4}$ doz. closet buttons, 11 doz. catches, 4 boxes points, 2 hammers, $5\frac{1}{2}$ hundred b. nails, $11\frac{1}{2}$ doz. screws, $4\frac{10}{12}$ doz. butts, 2 gross tacks, 1 doz. trench handles, $1\frac{2}{3}$ doz. hooks, $\frac{1}{2}$ doz. do, 2 doz. castors, 10 hones, $\frac{1}{3}$ doz. knobs, lot curtain rings, 7 stock buckles, 90 m. brads, $12\frac{1}{2}$ m. cut brass and cop. nails, $\frac{1}{2}$ lb. copper spikes, 6 sash pulleys, $6\frac{5}{12}$ doz. do, 79 gro. screws, 3 shoe measures, $107\frac{1}{2}$ gro. butts, 11 pa. locks, 23 c. rules, $\frac{1}{2}$ m. nails, 1 whip saw, 16 paint brushes, 1 pr. s. cutters, 16 shoe pinchers, 5 m. a., 19 spoke shaves, 12 leather do, $1\frac{1}{4}$ doz. shoe knives, 2 iron plyers, 13 shoemakers' bones, 1 pat. saw set, 200 sewing awls, 100 peg do, 7 compasses, 23 centre bitts, 6 pad do, 106 files, 6 doz. do, 400 shoe tacks, 66 brad awls, 100 pad do, 5 pr. compasses, 6 doz. iron spoons, $3\frac{1}{3}$ doz. butts, $5\frac{1}{2}$ doz. tea spoons, $5\frac{1}{2}$ doz. German silvered do, 7 doz. bitts, $2\frac{1}{3}$ doz. tea spoons, 2 doz. plate do, 4 do, $4\frac{10}{12}$ doz. butts, 22 doz. butts, 13 pr. skaits, 39 hammers, 20 gimlets, 8 pr. sheep shears, 8 set gate hangings, 8 pair shears, 10 snuff boxes, 3 doz. iron hoops, 3 hats, 7 pr. fancy bellows, 9 common do, 17 grates, $12\frac{1}{4}$ lb. wire, 2 planes, 1 pr. steelyards, 2 r. irons, 120 lb. sad irons, lot ware, 17 sett hangings, $59\frac{1}{2}$ lb. oil stones, 3 do, lot bridle bitts, 5 dust brushes, 7 whitewash do, 3 h. cords, 26 bottle do, 21 currycombs, 2 pr. s. brushes, 34 lb. rope, 15 lb. shop twine, 31 paint brushes, 13 heel cords, 11 pieces hemp, 30 ps. grass cords, $1\frac{1}{2}$ lb. cane, 1 heel cutter, 1 g. silver spoons, 7 g. pewter do, $3\frac{1}{3}$ sponge, lot glass, 25 lb. nails, 11 tea kettles, $8\frac{1}{2}$ h. s. nails, 1 sickle, 2 coon hats, 75 hats, 3 shovels, 2 mill saws, 14 h. chains, 107 jack do, 15 lb. pill cork, $8\frac{1}{2}$ pr. trace chain, 88 lb. brass kettles, 23 brass pails, 1 bar, 155 carriage springs, 4 cross

cut saws, 13 tubs, buckets and pails, 1 jug, 3 baskets, 1 water fountain, 2 window curtains, 3 lb. iron, 1 pail, 1 jug, 9 sacks, 8 doz. scythe stones, 1 nappi, 1 nest boxes, 1 thermometer, 2 t. hats, 40 cloth caps, 14 umbrellas, 4 horse nets, 5 g. core, 2 pr. gaiters, 14 pr. ladies' g. boots, 91 pr. shoes, 140 pr. s. g. and childrens' do, 1 reel, 1 belt leather, bonnets, 3 bed spreads, 7½ yds. canvas, 15 yds. canvas, 39½ yds. cotton padding, 32½ best pad, 18¾ duck, 1 piece foundation, lot footing, 34½ yds. bagging, 6½ bleach, 10 pieces c. lining, 4½ tong, 6 yds. sacking, 118 yds. strainer, 6 horse blankets, 9 wool do, 1 pr. surcingles, 29 flannel, 5 twilled do, 62½ frocking, 9 boxes buttons, 20 s. glass, 150 sheets wadding, 3 rugs, 361½ yds. carpeting, 22½ yds. bocking, 21 lb. wool yarn, 55 pr. w. mittens, 1 pr. drawers, 1 hat, 121 boxes, 45¾ yds. sheeting, 7 mix. cassimere, 130 yds., 18 yard drilling, 23½ yard diaper, 30½ yds. ticking, 5 cotton, 35 yds. nankin, 36 linen, 32 yds. silicia, 36 yds. diaper linen, 3 yds. crapes, 24½ yds. cambric, 21 do, 54 lb. cotton yarn, 5 lb. wool do, 4 pr. ladies' c., 7½ drilling, 17 linen do, 68 pr. leather mittens, 49 pair gloves, 3 front pieces, 15 lb. wool yarn, 7 lb. worsted do, 1 fur collar, 18 skins for cloaks, 19 pr. suspenders, 8 cott. tippets, 6 down do, 16½ yd. Ger. brown, 36 yds. erminet, 11 green velvet, 5½ black do, 3 drab do, 16¼ yds. fine linen, 5½ yds. remnants, 4½ yds. cott. check, 10½ erminet, 2½ yds. gambroon, 15 yds. check cott., 5¼ yds. strip. do, 3½ erminet, 2 yds. do green, 6½ pi. proof, 10 pieces roon, 7¾ black bd., 69½ pant. stuff, 21 yds. sea sacks, 1½ yd. pant. stuff, ½ yd. do, ¾ yd. do, 13¼ yd. do, 3¼ yd. do, 9¾ buckskin, 9¼ yd. strip. cott., 6¼ yd. French doeskin, 43 yds. pant. stuff, 5½ yds. do, 2½ yds. flannel, 3¼ yds. cotton do, 5¾ yds. yellow do, 21 yds. Salisbury, 11¼ yds. do, 43¾ yds. do, 19½ yds. do, 5½ bro. printed, 10½ bro. flannel, 2½ yds. do., 6⅔ yds. green do, 6½ yds. twilled do, 1¾ yds. remnants, 1¼ yds. green bocking, 36 yds. furniture, 20 yds. do, 108½ do, 6 pr. wool drawers, 5 pr. m. shirts, 64 yds. furniture, 118 yds. do, 26½ yds. do, 19 yds. cambric, 127 yds. colored do, 25 yds. do, 125 yds. prints, 128 yds. do, 76 yds. do, 95 yds. do, 225 yds. do, 284 yds. do, 35 yds. do, 104 yds. do, 102 yds. do, 51 yds. do, 73 yds. do, 25 yds do, 199 yds. do, 230 yds. do, 110 yds. do, 73 yds. do, 383 yds. remnants, 60¾ yds. French calico, 48¾ yds. do, 10 yds. do, 25 yds. do, 30 yds. lawn, 32 yds. do, 9 yds. mourning, 28 yds. do, 15 yds. light lawn, 15 yds. do, 15¾ yds. do, 28½ yds. do, 8 yds. do, 24 yds. do, 21¾ yds. do, 37¼ yds. do, 15 yds. do, 9½ yds. do, 8½ yds. do, 20 yds. do, 3 yds. bonnet lawn, 9½ yds. grass cloth, 3¾ yds. chally, 10¼ yds. do, 115½ yds. gingham, 20 yds. do, 47 yds. do, 48¾ yds. do, 10¾ yds. do, 27¾ yds. plaid facing, 3¼ yds. do, 23½ yds. do, 1 vest patt., 2 do, 1 do, 1 do, 7½ yds. vesting, 1½ yds. do, 7¾ do, 1 pat., 1 do, 5 do, 2½ yds. vesting, 1½ yds. do, 5¼ yds. do, 3 yds. do, 4¾ yds. do, 10 yds. do, 2¾ yds. do, 9¾ yds. do, 5 yds. Marseilles, 1¾ yds. broadcloth, 6 yds. brown do, 2 yds. green do, 6⅝ yds. do do, 4 yds. do do, 4½ yds. do do, 2½ yds. do do, 4 yds. do do, 9⅜ yds. do do, 2 yds. do do, 3¼ yds. do do, 1 remnant, 5 yds. do, 6¼ yds. do do, 2⅜ yds. do do, 21⅝ yds. do do, 10 yds. do do, 8 yds. do do, 6 yds. broadcloth beaver, 2¾ yds. do do, 2⅛ yds.

do green, 3½ yds. do blue, 4⅜ yds. do do, 2 yds. do do, 5⅞ yds. do do, 16 yds. black coating, 9¾ yds. do, 2⅜ yds. Petersham, 15½ yds. buckskin, 4¼ yds. do, 20½ yds. black cassimere, 16½ yds. stripe do, 4½ yds. blue do, 3 yds. do do, 4¾ yds. black do, 2⅜ yds. figured do, 3¼ yds. cassimere, 10¾ yds. hard times, 41⅝ yds. do, 9⅝ yds. cashmarett, 11¼ yds. full cloth, 4¾ yds. remnants, 1 yd. cassimere, ⅞ yd. do, ½ yd. do, ½ yd. do, 9 yds. woollen cloth, 11⅝ yds. remnants, 9⅝ yds. sattinet, 11 yds. mous. de laine, 11½ yds. do, 10¾ yds. do, ⅜ yd do, 3⅝ yds. do, 8 yds. remnants, 4½ yds. do, 29½ mous. de laine do, 17 yds. do, 28⅜ yds. plain black, 28½ yds. plain, 20 yds. wat. do, 22¾ yds. fig. cassimere, 19¾ m. de laine, 20 yds. black fig. m. de laine, 17⅜ yds. Saxony, 10 yds. twilled worsted, 18 yds. figd. pongee, 9¼ yds. camblet, 9¼ yds. merino, 69⅝ yds. do, 50¾ yds. do, 9½ yds. do, 16¼ yds. do, 5 yds. fig. do, 13 yds. black Circassian, 6¾ yds. do, 1 yd. fig. do, 13¾ yds. bombazett, 22 yds. black bombazett, 3¾ yds. merino, 29 yds. Alpaca, 15½ yds. brown do, ¾ yd. brown, 13½ yds. black, 21 yds. do do, 18½ yds. do, 16 yds. do, 9 yds. do, 9¾ yds. cloak stuff, 8¾ yds. do, 8 yds. brown Astracan, 5¾ yds. green Astracan, 4½ yds. black do, 16¾ yds. twilled blue stuff, 9¾ yds. alapine, 4½ yds. do, ½ yd. do. 3½ yds. do, 1 yd. do, 5½ yds. Canton crape, 12 cotton handkerchiefs, 20 do, 6 do, 14 do, 1 w. merino shawl, 69 merino, Edinboro', Highland, woollen, Thibet, mous. de laine, and silk Valencia shawls, 11 mous. de laine scarfs, 5 handkerchiefs, 2 net handkerchiefs, 1 black do, 8 Thibet do, 8 cotton do, 5 shally do, 7 merino, 1 do, 1 woollen, 1 silk, 6 woollen do, 2 do, 37 more in all do, 16 cotton, cypress, silk and lace green shawls, handkerchiefs and veils, 8¾ yds. net lace, 8 alepine stocks, 17 more alepine and cott. do, 1 box old do, 2 col'd table covers, 16 unbleached do, 18½ barage, 144 gentlemen and ladies' buckskin, woollen, cotton, Prince Albert, silk, linen, kid, worsted, thread fillet gloves, lot do, 77 ladies and boys' mitts, gloves, cuffs and socks, 25 pr. men's, 8 pr. cork soles, 39 sl. colored drum, 4½ doz. s. hooks and eyes, 2 5/12 doz. do, 1½ doz. prs. unbleached hose, 7 doz. black do, 1 doz. black do, 4 doz. w. silk do, 2 dozen do, 2 dozen do, 8 dozen do, 3 dozen do, 10 dozen Peri do, 7 woollen do, 1¼ dozen merino do, 8 do, 9 black w. do, 6 m. do, 3 pr. worsted do, 2 do, 11 w. cott. do, 2 pr. c. do, 12 pr. w. cott. do, 9 pr. w. cott: do, 4 pr. do colored, 4 pr. do, 1 pr. black cott. do, 3 pr. r. do worsted, 17 pr. ribbed and cott. hose, 34 pr. galloon do, 3 damaged aprons, 2 Marseilles quilts, 15 yds. dimity, 3 cambric handkerchiefs, 15 yds. w. cambric, 7½ w. cambric, 19 yds. do, 89 yds. cambric and checked muslins do, 2½ shoe thread, 2 doz. sticks cott. cord, 1 p. hemp webbing, 5 ps. carpet binding, 1 ps. green cord, 8 ps. quality, 4 ps. n. quality, 24 ps. ferrets, 2 ps. cott. tape, 9 ps. worsted binding, 4 linen table covers, 3 do, 22¼ yds. t. linen, 13½ yds. birdseye diaper, 38½ yds. white linen, 4⅞ yds. grass cloth, 7 white and colored robes, 9¾ yds. table linen, ¾ yd. lain, 64 web. land bishops lawn, 35¾ Swiss and mull. and black muslin, 4 muslin handkerchiefs, 4¾ yds. figured buck, 1⅓ yds. figured mull, ⅞ yds. w. lin. cambric, 2⅛ yds. black silk velvet, 1¼ yds. do, 3¼ yds. remnants, 1 yd. figured velvet, 8⅛ yds. silk and satin vest

ing, 3 allpine aprons, 6¼ figured allpine, 1⅞ yds. do, 32½ yds. silk, 38¾ yds. gro de nap, 13¼ yds. remnant, 4¾ yds. do, ¾ yd. figured silk, 2¼ yds. stal, 8¼ yds. gro de afrique, 3⅛ yds. silk serge, 3 yds. silk and c., 3 yds. white rib silk, 2½ yds. do, 3½ w. fig. do, 1 yd. plain satin, 3¼ yds. bonnet white lining, 3 yds. pink silk, 64½ yds. synchaw, 60 yds. florence linings, 3¾ yds pink, ⅝ yd. blue, 4¼ yds. figured silk pink, 1⅜ yds. do, 7½ yds. do, 4 yds. remnants, 12½ yds. colored silk, 4 yds. silk and cotton, 1½ yds. do, 13⅛ yd. crape, 1 gingham handkerchief, 54 sks. white knitting, 2¼ cott. thread, 225 stay lacing, 1¼ sewing silk, 45 linen handkerchiefs, 1⅛ yds. linen cambric, 24 cotton handkerchiefs, 1 box footing lace, 1 box old crape, 11 yds. black crape, 2⅞ yds. do, 2½ yds. do, 3¾ yds. do, 2¼ yds. do, 1 box wrot. collars, 13 linen do, 6 feather fans, 2 damg. aprons, 15 handkerchiefs, 1 silk do, 3 mohair mantles, 16 fancy handkerchiefs, 2 gauze veils, 7 do, 11 silk scarfs, 18 ladies cravats, 1 box wrot. and plain combs, 10 razors, 2 cases do, 8 sheets court plaster, 4 sticks sealing wax, 3 silver pencils, 7 g. do, 3 g. silver combs, 7 pr. spectacles, 4 do cases, 2 camel hair brushes, 9 silver thimbles, 1⅙ doz. salt spoons, 5 pr. scissors, 2 pr. do, 3 pr. do, 4 pr. do, 1½ doz. knives, 85 doz. in all, 4½ lb. linen thread, 61 ps. cott. cord, 26 doz. balls do, 4 testaments, 2⅙ doz. tooth brushes, 1½ lb. wire, 4 shades, 1 yd. silk fringe, 2 shell combs, 18 yds. cott. fringe, 80 balls, 17 yds. silk binding, 43 yds. do, 14 yds. batting, 70 yds. do, 1 box watch ribbon, 50 ps. silk braid, 11 ps. flowers, 3 boxes do, 15½ do knitting pins, 3⅙ do, 9 boxes pins, 3½ doz. do, 3 doz. black do, 16 knitting do, 13 oz. sk. twine, 7½ pap. needles, 150 draws, 6 ps. wire taste, 8 doz. tape, 4½ doz. col'd spool thread, 4 doz. cott. braid, 90 spools thread, 1⅔ do cott. braid, 17 do spool thread, 32¾ doz. thimbles, 4 doz. tape, 3½ doz. tape, 9 sk'ns tambour cotton, 30 doz. pearl buttons, 25 doz. do, 73 ps. worsted braid, 28 gross button mould, 17 gross do, lot buttons, lot ribbons, lot ribbons containing 12 boxes, 32 doz. side combs, 5¼ doz. back do, 1 doz. do, 4 doz. do, 4 doz. side do, ½ doz. do, ½ doz. do, 16 dressing do, 3½ doz. do, 15 dressing do, 2⅓ doz. shell, ⅔ doz. do, 1½ doz. shell side, 3 yds. insertion, 1 yd. do, 30 yds. do, 3 cott. shirts, 1 draw edging and insertion, 1 brass clock, 1 desk in counting room, 1 in store, 1 set draws.

In Factory.—5 warps, 6 ps. flannel, 10 do on steam rolls, 4 in full mill, 6 do fulled, 2 part do, 6 ps. sheared, 8 ps ready to roll, 5 ps. finished, 366 lb. wool, lot waste, 1 old mare, one single wagon, one lumber do, one single harness, lot wood, lot cloth boxes, old picker, camwood, fustic, logwood, copperas, nutgalls, lot teazles, 2 jacks, 4 looms, lot bobbin and spool, 1 warper, leser and dresser, 1 shearing machine, 1 brusher, 1 double carding machine, 1 single do, 1 picker, 1 gig machine, 2 machine dress, 4 reflectors, lot tin'd glass lamps, scales and weights, 1 set balances, patent pump, 3 stoves and pipe, iron vice, tools, &c., 1 covered buggy, 1 buggy wagon, 2 single sleighs, lot of hay, 1 gray horse, 1 single sleigh, 2 harness, 2 buffaloe skins of the said defendants, Philip Peck and William Bellows, as by his return on said writ will more fully and at large appear, of great value, to wit, of the value of the damages sustained by the said plaintiffs, by reason of the

premises in the said writ and declaration mentioned; and the said Hope Lathrop, thereafterwards, to wit, on the 31st of December, A. D. 1842, left at the last and usual place of abode of each of said defendants a summons, according to the form of the statute in such case made and provided, with his name endorsed thereon, and made return of said writ with his doings thereon, when and where the same was by law returnable, as by his return on said writ will more fully and at large appear; which said writ was duly entered in court, when and where the same was made returnable, and this the said plaintiffs are ready to verify; wherefore they pray judgment, and their damages aforesaid, to be levied of the said goods and chattels of the said defendants, Philip Peck and William Bellows, at the time of the aforesaid attachment, and which were so attached as aforesaid.

JOHN S. JENNESS,
JOHN GAGE,
JOHN E. LYON.
By their Attorney CHARLES B. GOODRICH.

And the said plaintiffs, as to the said plea of the said defendant William Bellows, by him above pleaded, say, that they, the said plaintiffs, by reason of any thing by the said defendant William Bellows alleged, ought not to be barred from further having and maintaining their aforesaid action thereof against him, the said defendant William Bellows, because, protesting that the said William Bellows was not declared bankrupt, as in the said plea mentioned; and that the said William Bellows was not discharged of and from all his debts, as in the said plea mentioned; nevertheless, for replication in this behalf, the said plaintiffs say, that before any act of bankruptcy, done or committed by the said William Bellows, and before said petition, by him filed, for the benefit of the act to establish a uniform system of bankruptcy throughout the United States, in said plea mentioned, to wit, on the 8th of October, A. D. 1842, the plaintiffs, in good faith, sued and prosecuted, out of the court of common pleas aforesaid, their said writ of attachment against the above named defendants, Philip Peck and William Bellows, the said defendants, Philip Peck and William Bellows, on the day last aforesaid, being justly indebted to the said plaintiffs, directed to the sheriff of any county in this State, or his deputy, in and by which said writ, such sheriff, or his deputy, were commanded to attach the goods or estate of the said Philip Peck and William Bellows, to the value of two thousand dollars, and to summon the said Philip Peck and William Bellows to appear before the justices of the court of common pleas, to be holden at Keene, within and for the said county of Cheshire, on the first Tuesday of April then next, to answer to the said plaintiffs, in a plea of the case, for not performing the promises in plaintiffs' declaration mentioned, as by said declaration will more fully and at large appear. Upon, and by virtue of which said writ, Hope Lathrope, a deputy of the sheriff, within and for the county of Cheshire aforesaid, on the 10th of October, A. D. 1842, attached and took into his custody and pos-

session, as security for such judgment as the plaintiffs in their said suit might obtain, and now retains custody thereof, divers goods and chattels, to wit:

24½ bushell oats, 40⅛ bush. grass seed, 777 lbs. clover do, 11 cradles, 27 patent snaths, 8 hay forks, 5 flails, 4 fork handles, 203 dozen rakes, 1 bush. corn, 18 butter firkins, 14 old sythes, 1 sheet-iron stove, 4 ploughs, lot measures, wash tub, 2 old sacks, lot wood, 55 buffalo robes, 15 fox and mink skins, glass sash for case, 4 bales feathers, wagon boxes, 13 saw frames, 9 axe helves, 15 stoves, 3 fire frames, 46 pc. iron ware, 7 pr. fire dogs, 10 plough points, 3 iron pans, 1 pair shovel and tongs, 1 rocking and 1 little chair, 4¼ lb. wool, 5 b. pots, 23 $\frac{5}{12}$ doz. b. earthen, 8 doz. 2d and 3d size do, 13 bushell walnuts, large tub, 5 doz. axe-helves, 17 ps. tin ware, 3 c. bottom tea kettles, 3 tea pots, 1 lamp, filler and cap, 80 ps. stone ware, 9 butter pots, 8 stone jugs, 10 stone covered pots, 4 without covers, 1 stone furnace, lot cheese hoops, 5 prong hoes, 9 fork handles, cloths pins, 29 tubs, 5 wooden pails, 283 corn brooms, old sythes, Indian point stones, 23⅛ lb. lamp black, 7¾ bush. flax seed, 12 qts. mustard do, 1 b. box, 741 leaf hats, 91 leaf brooms, 12 corn baskets, 2 clothes do, old stove pipe, 6 chairs, 2 tables, 1 maple do, 2 hair matrasses and bedding, 2 creek bedsteads, 16 fur caps, 1 cloth do, 4 pair boots, lot cotton batting, 22 fur hats, 1 w. head, 7 hay forks, 24½ lbs. old brass and pewter, 20 meal bags, 14 cotton do, 82 corn brooms, 7 palm leaf do, 6 manure forks, 3 sets scales and weights, 1 Fairbanks do, 1 Gay do, 1 counter do, 1 broken fork, 7 Chesterfield do, 5 pat. sythes snaths, 4 bbls. fustic, 341 rags, 51 lb. sacking, 27 straw j., 4 stone pitchers, 4 butter pots, 5 flower do, 35 covered do, 2 small firkins, 1 s. tub, 1 water fountain, 7 f. irons, 1 pump, 4 southern, 551 lb. iron, 4 weights, 2 old w. saws, 4 old axes, 2 vitriol bottles, 12½ lb. glue, 458 lb. rice, 2 boxes No. 1 soap, 67¾ lb. bar do, 600 lb. French yellow, 76 lb. p. white, 48 lb. whiting, 1 bbl. do, 190 lb. w. lead, 147 lb. do, 37 lb. Spanish brown, 17 reams sand paper, 52½ lb. tallow, 117 lb. ground rice, 12 lb. stone yellow, 14 lb. Paris green, 157 lb. d. fish, 56 s. stones, 41 g. steel sythes, 4 bush. do, 2 g. hoes, 26 lb. tea lead, 2 oil cans, 15 gall. oil, 30 lb. shad, 16 c. s. hoes, 5 wooden trays, 10 hoes, 225 lb. starch, 1 sheet-iron pan, 21 lb. sheep tobacco, 133 poor do, 46½ lb. square hand, 90 lb. cavendish, 13½ lb. powder, 316 lbs. butter, 5 hhds., lot of old casks, oil and rum bbls., 38 butter tubs, 1 set c. mats, lot old fassetts, lot iron wire, 6⅓ doz. hooks, 52 pd. tobacco, 172 covered w. stalks, 3 doz. clothes pins, 175 lb. hams, 12 lb. p. leaf, 26½ lb. pepper, 8⅓ ground cinnamon, 6 $\frac{2}{16}$ lb. cloves, 50½ lb. ginger, 145 lb. starch, 59 lb. tea, 30 lb. blue vitriol, 40 lb. coperas, 1 indigo, 1 lb. p. starch, 4 lb. H. pt., 1 lb. goon, 10 lb. ivory black, 9½ lb. turpentine, 3 $\frac{2}{10}$ lb. mod, 10 lb. vermillion, 1 lb. crome or lead, 8 $\frac{9}{16}$ lb. French green, 12¾ lb. whiting, 7¼ lb. q. red, 90 lb. red lead, 54½ lb. litherage, 11¾ lb. p. green, 17½ lb. pink, 7½ lb. crome green, 4½ lb. brimstone, ¾ lb. Prusian blue, 1½ lb. w. vitriol, 1½ lb. cream tartar, 12 pa. table salt, 9 boxes caqin, 1 gall. wine ,20 gall. st. rum, 4 h. gin, 3 gall. molasses, 4 maple do, 2 jugs, 40 lb. French

green, 60 lb. yellow, 48 lb. b. lead, 90½ lb. snuff, 194 lb. butter, 13½ lb. yellow snuff, 15 lb. p. o. s., 1810 lb. iron, 40½ lb. g. steel, 2 cold run kettles, 2 iron frames, 1 wheelbarrow, 81 lb. shot, 11 canisters powder, 26 rolls paper, 5 boxes leather pre., 38 paste blacking, 13 sponge do, 59 q. cap paper, 7 bunches quills, 18 pr. India rubbers, 5 c. c. chambers, 13 teapots, 4 pitchers, 2½ pr. w. wood, 8 wash bowls, 17 printed do, 4 soup tureens, 19 mugs, 14 pitchers, 71 pitchers, 22 stone ware, 8 mugs, 2 mustards, 2 pitchers, 19$\frac{10}{12}$ doz. bowls, 9 pots and cups, 3 s. cellars, 14 bowls, 12 nappies, 64⅓ doz. plates, 4¾ doz. cups, 1 doz. cups, 14 china and blue tea sets, 4 doz. coffee cups, 4 setts tea cups, 21 tea pots, 4 wedge wood, 3 sugar bowls, 7 gravy dishes, 2 boxes soap, 1 butter plate, 1 mould, 6 pr. b. dishes, 4 pr. b. and groul do, 19 setts common teas, 7 setts cups, 19 creams, 46 toy pitchers, 2 mugs, 1½ doz. custards, 44 platters and deep dishes, 2 printed nappies, 51 bottles ink, 6 lamps, 6 l. and china, 4 china pitchers, 1 vase, 25 glass dishes, 61 do, 5⅕ doz. cup plates, 12 mustard pots, 7 cha. glasses, 17 wine do, 6¾ doz. tumblers, 11¾ doz. common do, 8 e. glasses, 6 large tumblers, 5 doz. cruets, 5 cut g. salts, 38 common do, 4 lamps, 1 nipple shell, 4 glass bottles, 8 cruets, 29 glass lamps, 20½ pr. do, 3 bottles lemon, 4 do castor oil, 9 rose water, 1½ p. pit lamps, 6 ink stands, 3 castors, 2 b. caps, 3 oz. isinglass, 3 car bills, 3 carpet bag clasps, 4 t. guild irons, 33 doz. corks, 174 pa. garden seeds, 1 coffee mill, 2 flower pots. Hardware: 2 patent locks, 3 doz. chest do, 7 mortice do, 30 pad do, 20 French do, 10 door do, 13 chest do, 16 brass do, 1 stock do, 21 screw drivers, 8 doz. wooden knobs, 1½ pr. brass candlesticks, 4 shop lamps, 12 pr. brushes, 3 polishing do, 10 chopping knives, 14 pr. snuffers, 10 iron candlesticks, 3 pit lamps, 7 jappan do, 10 inkstands, 9 inkstands, 18 bret. pel., 5 rosewood door handles, 2 locks, 8 brass latches, 71 hones, 4$\frac{10}{12}$ doz. window springs, 8 doz. do, 11 set castors, 1½ doz. b. rings, 9 doz. curtain rings, $\frac{7}{12}$ doz. do, 6½ doz. bed caps, 1⅓ doz. brass knobs, $\frac{5}{12}$ doz. brass rings, 3 pr. jap. hooks, 29 clidds do, 47 set table knives, 9 butcher do, 7 bread knives, 6⅓ doz. gimblets, 6 axes, ⅝ gross matches, 12 doz. c. loops, 6 dozen fiddle strings, 11 c. s. saw plate, 29 hand saws, 12 key do, 2 doz. glass knobs, 1 carriage wrench, 1 brass knob, 1 bell handle, 15 iron, steel, and try squares, 13 waiters, 8 snuffer trays, 62 boxes p. caps, 43 lead pencils, 176 p. augurs, 4 hearth brushes, 2 pr. shovel and tongs, 20 pr. fire-dogs, 88 ox bells, 1 circular saw, 1 bit stock, 44 whips s. stalks, 1 sett chisells, 22 pr. spectacles, 7 door bells, 35 plane irons, 26 razor strops, 69 pocket-books and wallets, 2 pr. strap joints, 4 shaving brushes, 33 razors, 5 cases do, 9 doz. steel pens, 7 tea bells, 5 cork screws, 9 punches, 3 b. glasses, 36 sett furniture blinds, 3 doz. brass hap pins, 3 sash pullies, 2 lb. k. ears, 6 doz. brass hooks, 3$\frac{10}{12}$ doz. brass c., $\frac{10}{12}$ gro. star eyes, 4⅓ doz. brass knobs, 4 hammers, 8¼ b. knobs, 7 watch chains, 2 pair curtain rings, 6$\frac{10}{12}$ doz. hooks and eyes, 2 doz. table corners, 1¾ doz. closet buttons, 11 doz. catches, 4 boxes points, 2 hammers, 5½ hundred b. nails, 11½ doz. screws, 4$\frac{10}{12}$ doz. butts, 2 gross tacks, 1 doz. trench handles, 1⅜ doz. hooks, ½ doz. do, 2 doz. casters, 10 hones, ⅓ doz. knobs, lot curtain rings, 7 stock buckles, 90 m. brads, 12½ m. cut brass and

cop. nails, ½ lb. copper spikes, 6 sash pullies, 6 5/12 doz. do, 79 gro. screws, 3 shoe measures, 107½ gro. butts, 11 pa. locks, 23 c. rules, ½ m. nails, 1 whip saw, 16 paint brushes, 1 pr. s. cutters, 16 shoe pinchers, 5 mo. a., 19 spoke shaves, 12 leather do, 1¼ doz. shoe knives, 2 iron plyers, 13 shoemakers' bones, 1 pat. saw-set, 200 sewing awls, 100 peg do, 7 compasses, 23 centre bitts, 6 pad do, 106 files, 6 dozen do, 400 shoe tacks, 66 brad awls, 100 pad do, 5 pair compasses, 6 dozen iron spoons, 3⅓ dozen butts, 5½ dozen teaspoons, 5½ dozen German silvered do, 7 doz. bitts, 2½ doz. teaspoons, 2 dozen plate do, 4 do, 4 1/12 doz. butts, 22 doz. butts, 13 pr. skaits, 39 hammers, 20 gimblets, 8 pr. sheep shears, 8 set gate hangings, 8 pr. shears, 10 snuff boxes, 3 doz. iron hoops, 3 hats, 7 pair fancy bellows, 9 common do, 17 grates, 12¼ lb. wire, 2 planes, 1 pr. steel yards, 2 r. irons, 120 lb. sad irons, lot ware, 17 sett blind hangings, 59½ lb. oil stones, 3 do, lot bridle bitts, 5 dust brushes, 7 whitewash do, 3 h. cords, 26 bottle do, 21 currycombs, 2 pr. s. brushes, 34 lb. rope, 15 lb. shop twine, 31 paint brushes, 13 heal cords, 11 pieces hemp, 30 pieces grass cords, 1½ lb. cane, 1 heal cutter, 1 g. silver spoons, 7 g. pewter do, 3½ sponge, lot glass, 25 lb. nails, 11 teakettles, 8½ h. s. nails, 1 sickle, 2 coon hats, 75 hats, 3 shovels, 2 mill saws, 14 h. chains, 107 jack do, 15 lb. pil cork, 8½ pr. trace chain, 88 lb. brass kettles, 23 brass pails, 1 bar, 155 carriage springs, 4 cross-cut saws, 13 tubs, buckets, and pails, 1 jug, 3 baskets, 1 water fountain, 2 window curtains, 3 lb. iron, 1 pail, 1 jug, 9 sacks; 8 doz. sythe stones, 1 nappi, 1 nest boxes, 1 thermometer, 21 hats, 40 cloth caps, 14 umbrellas, 4 hare nets; 5 g. cere, 2 pr. gaiters, 14 pr. ladies' g. boots, 91 pr. shoes, 140 pr. s. g. and children's do, 1 reel, 1 belt leather, bonnets, 3 bed spreads, 7½ yds. canvass, 15 yds. canvass, 39½ yds. cotton padding, 32½ best pad, 18¾ duck, 1 piece foundation, lot footing, 34½ yds. bagging, 6½ bleach, 10 pieces c. lining, 4½ tong, 6 yds. sacking, 118 yds. strainer, 6 horse blankets, 9 wool do, 1 pr. circingles, 29 flannel, 5 twilled do, 62½ frocking, 9 boxes buttons, 20 s. glass, 150 sheets wadding, 3 rugs, 361½ yds. carpeting, 22½ yds. bocking, 21 lb. wool yarn, 55 pr. w. mittens, 1 pr. drawers, 1 hat, 121 boxes, 45¾ yds. sheeting, 7 mix cassimere, 130 yds, 18 yd. drilling, 23½ yard diaper, 30½ yds. ticking, 5 cotton, 35 yds. nankin, 36 linen, 32 yds. silicea, 36 yds. diaper linen, 3 yds. crapes, 24½ yds. cambrick, 21 do, 54 lb. cotton yarn, 5 lb. wool do, 4 prs. ladies' c., 7½ drilling, 17 linen do, 68 pr. leather mittens, 49 pair gloves, 3 front pieces, 15 lb. wool yarn, 7 lb. worsted do, 1 fur collar, 18 skins for cloaks, 19 pr. suspenders, 8 cott tippets, 6 down do, 16½ yd. ger. brown, 36 yds. erminette, 11 green velvet, 5½ black do, 3 drab do, 16¼ yds. fine linen, 5½ yds. remnants, 4½ yds. cott. check, 10½ erminet, 2½ yds. gambroon, 15 yds. chck cott., 5¼ yds. strip do, 3⅓ erminet, 2 yds. do. green, 6½ pi proof, 10 pieces roon, 7¾ black bd., 69½ pant stuff, 21 yds. sea sacks, 1½ yd. pant stuff, ½ yd. do, ¾ yd. do, 13¼ yd. do, 3¼ yd. do, 9¾ buckskin, 9¼ yd. strip cott., 6¼ yd. French doeskin, 43 yds. pant stuff, 5½ yds. do, 2½ yds. flannell, 3¼ yds. cotton do, 5¾ yds. yellow do, 21 yds. salisbury, 11¼ yds. do, 44¾ yds. do, 19½ yds. do, 5½

bro. printed, 10⅛ bro. flannel, 2½ yds. do, 6¾ yds. green do, 6½ yds. twilled do, 1¾ yds. remnants, 1¼ yds. green bocking, 36 yds. furniture, 20 yds. do, 108½ do, 6 pr. wool drawers, 5 pr. m. sheets, 64 yds. furniture, 118 yds. do, 26½ yds. do, 19 yds. cambric, 127 yds. colored do, 25 yds. do, 125 yds. prints, 128 yds. do, 76 yds. do, 95 yds. do, 225 yds. do, 284 yds. do, 35 yds. do, 104 yds. do, 102 yds. do, 51 yds. do, 73 yds. do, 25 yds. do, 199 yds. do, 230 yds. do, 110 yds. do, 73 yds. do, 383 yds. remnants, 60¾ yds. French calico, 48¾ yds. do, 10 yds. do, 25 yds. do, 30 yds. lawn, 22 yds. do, 9 yds. mourning, 28 yds. do, 15 yds. light lawn, 15 yds. do, 15¾ yds. do, 28½ yds. do, 8 yds. do, 24 yds. do, 21¾ yds. do, 37¼ yds. do, 15 yds. do, 9½ yds. do, 8½ yds. do, 20 yds. do, 3 yds. bonnet lawn, 9½ yds. grass cloth, 3¾ yds. chally, 10¼ yds. do, 115½ yds. gingham, 20 yds. do, 47 yds. do, 48¾ yds. do, 10¾ yds. do, 27¾ yds. plaid facing, 3¼ yds. do, 23½ yds. do, 1 vest patt., 2 do, 1 do, 1 do, 7½ yds. vesting, 1½ yds. do, 7⅞ yds. do, 1 pat., 1 do, 5 do, 2½ yds. vesting; 1½ yds. do, 5¼ yds. do, 3 yds. do, 4¾ yds. do, 10 yds. do, 2¾ yds. do, 9¾ yds. do, 5 yds. marselles, 1¾ yds. broad cloth, 6 yds. brown do, 2 yds. green do, 6⅝ yds. do, do, 4 yds. do, do, 4½ yds. do, do, 2½ yds. do, do, 4 yds. do, do, 9⅜ yds. do, do, 2 yds. do, do, 3¼ yds. do, do, 1 remnant, 5 yds. do, 6¼ yds. do, do, 2⅜ yds. do, do, 21⅝ yds. do, do, 10 yds. do, do, 8 yds. do, do, 6 yds. broadcloth beaver, 2¾ yds. do, do, 2⅛ yds. do, green, 3½ yds. do, blue, 4⅜ yds. do, do, 2 yds. do, do, 5⅞ yds. do, do, 16 yds. black coating, 9¾ yds. do, 2⅜ yds. petersham, 15½ yds. buckskin, 4¼ yds. do, 20½ yds. black cassimere, 16½ yds. stripe, do., 4½ yds. blue, do, 3 yds. do, do, 4¾ yds. black do, 2⅜ yds. figured do, 3¼ yds. cassimere, 10¾ yds. hard times, 41⅝ yds. do, 9⅝ yds. cashmaret, 11¼ yds. fulled cloth, 4¾ yds. remnants, 1 yd. cassimere, ⅞ yd. do, ½ yd. do, ½ yd. do, 9 yds. woolen cloth, 11⅝ yds. remnants, 9⅝ yds. sattinet, 11 yds. mous de laine, 11½ yds. do, 10¾ yds. do, ⅛ yd. do, 3⅝ yds. do, 8 yds. remnants, 4½ yds. do, 29½ yds. mous de laine, do, 17 yds. do, 28⅜ yds. plain black, 28½ yds. plain, 20 yds. wat. do, 22¾ yds. fig. cassimere, 19¾ mous de laine, 20 yds. black figured mous de laine, 17⅜ yds. saxony, 10 yds. twilled worsted, 18 yds. fig'd pongee, 9¼ yds. camblet, 9¼ yds. merino, 69⅝ yds. do, 50¾ yds. do, 9½ yds. do, 16¼ yds. do, 5 yds. fig'd do, 13 yds. black circassian, 6¾ yds. do, 1 yd. fig'd do, 13¾ yds. bombazet, 22 yds. black bombazet, 3¾ yds. merino, 29 yds. alpacca, 15½ yds. brown do, ¾ yd. brown, 13½ yds. black, 21 yds. do, 18½ yds. do, 16 yds. do, 9 yds. do, 9¾ yds. cloak stuff, 8¾ yds. do, 8 yds. brown astracan, 5¾ yds. green astracan, 4½ yds. black do, 16¾ yds. twilled blue stuff, 9¾ yds. allapine, 4½ yds. do, ½ yd. do, 3½ yds. do, 1 yd. do, 5½ yds. canton crape, 12 cotton handkerchiefs, 20 do, 6 do, 14 do, 1 w. merino shawl, 69 merino, Edinboro, highland, woolen, thibet, mous de laine, and silk valencia shawls, 11 mous de laine scarfs, 5 handkerchiefs, 2 net handkerchiefs, 1 black do, 8 thibet do, 8 cotton do, 5 shally do, 7 merino, 1 do, 1 woolen, 1 silk, 6 woolen do, 2 do, 37 more in all, 16 cotton, cypress, silk and lace, green shawls, handkerchiefs and veils, 8¾ yds. net lace, 8 alapine stocks, 17 more alapine and cott. do, 1 box del. do, 2

col'd table covers, 16 unbleached do, 18½ barage, 144 gent'men and ladies' buckskin, woolen, cotton, Prince Albert, silk, linen, kid, worsted, thread, fillet gloves, lot do, 77 ladies' and boys' mitts, gloves, cuffs, and socks, 25 pr. men's, 8 pair cork soles, 39 sl. colored drane, 4½ doz. s. hooks and eyes, 2 1 5/12 doz. do, 1½ doz. prs. unbleached hose, 7 doz. black silk do, 1 doz. black do, 4 doz. w. silk do, 2 doz. do, 2 doz. do, 8 doz. do, 3 doz. do, 10 doz. pere do, 7 woolen do, 1¼ doz. merino do, 8 do, 9 bl'k w. do, 6 m. do, 3 pr. worsted do, 2 do, 11 w. cott. do, 2 2 pr. c. do, 12 pr. w. cott. do, 9 pr. w. cott. do, 4 pr. do. colored, 4 pr. do, 1 pr. bl'k cott. do, 3 pr. r. do. worsted, 17 pr. ribbed and cott. hose, 34 pr. galloon do, 3 damaged aprons, 2 Marseilles quilts, 15 yds. dimity, 3 cambric handkerchiefs, 15 yds. w. cambric, 7½ w. cambric, 19 yds. do, 89 yds. cambric and checked muslin do, 2½ shoe thread, 2 doz. sticks cott. cord, 1 ps. hemp webbing, 5 ps. carpet binding, 1 p. green cord, 8 ps. quality, 4 ps. n. quality, 24 ps. ferrets, 2 ps. cott. tape, 9 ps. worsted binding, 4 linen table covers, 3 do, 22¼ yds. t. linen, 13½ yds. birdseye diaper, 38½ yds. white linen, 4 7/8 yds. grass cloth, 7 white and colored robes, 9¾ yds. table linen, ¾ yds. laine, 64 web land bishops lawn, 35¾ yds. Swiss and mull and black muslin, 4 muslin handkerchiefs, 4¾ yds. figured buck, 1½ yds. figured mull, ¾ yds. w. lin. cambric, 2⅛ yds. black silk velvet, 1¼ yds. do, 3¼ yds. remnants, 1 yd. figured velvet, 8½ yds. silk and satin vesting, 3 alapine aprons, 6¼ yds. figured alapine, 1 7/8 yd. do, 32½ yds. silk, 38¾ yds. gro de nap, 13¼ yds. remnant, 4¾ yds. do, ¾ yd. figured silk, 2¼ yd. slat, 8¼ yds. gro de Afrique, 3⅛ yds. silk serge, 3 yds. silk and c., 3 yds. white rib silk, 2½ yds. do, 3½ w. fig. do, 1 yd. plain satin, 3¼ yds. bonnet white lining, 3 yds. pink silk, 64½ yds. synchaw, 60 yds. Florence lining, 3¾ yds. pink, ⅝ yd. blue, 4¼ yds. figured silk pink, 1⅜ yds. do, 7½ yds. do, 4 yds. remnants, 12⅝ yds. colored silk, 4 yds. silk and cotton, 1½ yds. do, 13½ yd. crape, 1 gingham handkerchief, 54 sks. white knitting, 2¼ cott. thread, 225 stay lacing, 1¼ sewing silk, 45 linen handkerchiefs, 1⅛ yds. linen cambric, 24 cotton handkerchiefs, 1 box footing lace, 1 box old crape, 11 yds. black crape, 2⅞ yds. do, 2½ yds. do, 3¾ yds. do, 2¼ yds. do, 1 box wro't collars, 13 linen do, 6 feather fans, 2 damg'd aprons, 15 handkerchiefs, 1 silk do, 3 mohair mantles, 16 fancy handkerchiefs, 2 gauze veils, 7 do, 11 silk scarfs, 18 ladies' cravats, 1 box wro't and plain combs, 10 razors, 2 cases do, 8 sheets court plaster, 4 sticks sealing wax, 3 silver pencils, 7 G. do, 3 G. silver combs, 7 pr. spectacles, 4 do. cases, 2 camel hair brushes, 9 silver thimbles, 1⅙ doz. salt spoons, 5 pr. scizzors, 2 pr. do, 3 pr. do, 4 pr. do, 1½ doz. knives, 85 doz. in all, 4½ lb. linen thread, 61 ps. cott. cord, 26 doz. balls do, 4 testaments, 2⅙ doz. tooth brushes, 1½ lb. wire, 4 shades, 1 yd. silk fringe, 2 shell combs, 18 yds. cott. fringe, 80 balls, 17 yds. silk binding, 43 yds. do, 14 yds. batting, 70 yds. do, 1 box watch ribbon, 50 ps. silk braid, 11 p. flowers, 3 boxes do, 15½ do. knitting pins, 3⅙ do, 9 boxes pins, 3½ doz. do, 3 doz. black do, 16 knitting do, 13 oz. sk. twine, 7½ pap. needles, 150 draws, 6 ps. wire taste, 8 doz. tape, 4½ doz. col'd spool thread, 4 doz. cott. braid, 90 spools thread, 1⅔ do. cott. braid, 17

do. spool thread, 32⅔ doz. thimbles, 4 doz. tape, 3½ doz. tape, 9 skns. tambour cotton, 30 doz. pearl buttons, 25 doz. do, 73 ps. worsted braid, 28 gross button moulds, 17 gross do, lot buttons, lot ribbons, lot ribbons containing 12 boxes, 32 doz. side combs, 5¼ doz. back do, 1 doz. do, 4 doz. do, 4 doz. side do, ½ doz. do, ½ doz. do, 16 dressing do, 3½ doz. do, 15 dressing do, 2½ doz. shell, 2½ doz. do, ½ doz. shell side, 3 yds. insertion, 1 yd. do, 30 yds. do, 3 cott. shirts, 1 draw. edging and insertion, 1 brass clock, 1 desk in counting room, 1 in store, 1 set draws, (in factory,) 5 warps, 6 ps. flannel, 10 do. on steam rollers, 4 in full. mill, 6 do fulled, 2 part do, 6 ps. sheared, 8 ps. ready to roll, 5 ps. finished, 366 lb. wool, lot waste, one old mare, one single waggon, one lumber do, one single harness, lot wood, lot cloth boxes, old picker, camwood, fustic, logwood, coperas, nutgalls, lot teazles, 2 jacks, 4 looms, lot bobbin and spool, 1 warper leser and dresser, 1 shearing machine, 1 brusher, 1 double carding machine, 1 single do, 1 picker, 1 gig machine, 2 machine dress., 4 reflectors, lot tin'd glass lamps, scales and weights, 1 set balances, patent pump, 3 stoves and pipe, iron vice, tools, &c., 1 covered buggy, 1 buggy waggon, 2 single sleighs, lot of hay, 1 gray horse, 1 single sleigh, 2 harness, 2 buffalo skins, of the said defendants, Philip Peck and William Bellows, as by his return on said writ will more fully and at large appear, of great value, to wit, of the value of the damages sustained by the said plaintiffs, by reason of the premises in the said writ and declaration mentioned; and the said Hope Lathrop, thereafterwards, to wit, on the 31st of December, A. D. 1842, left at the last and usual place of abode of each of said defendants a summons, according to the form of the statute in such case made and provided, with his name endorsed thereon, and made return of said writ, with his doings thereon, when and where the same were by law returnable, as by his return on said writ will more fully and at large appear; which said writ was duly entered in court, when and where the same was made returnable; and this the said plaintiffs are ready to verify; wherefore, they pray judgment, and their damages aforesaid, to be levied of the said goods and chattels of the said defendants, Philip Peck and William Bellows, at the time of the aforesaid attachment; and which were so attached as aforesaid.

JOHN S. JENNESS,
JOHN GAGE,
JOHN E. LYONS,

By their Att'y, CHARLES B. GOODRICH.

And the said Philip Peck, in answer to the matter in the said plaintiffs' replication alleged, says, that by reason of any thing by the said plaintiffs therein alleged, they ought not to have judgment for their damages aforesaid, to be levied of the goods and chattels of the said Peck and Bellows, by the said plaintiffs alleged to have been attached as aforesaid; because he says, that heretofore, viz., on the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and

forty-three, the said Aaron P. Howland having been duly appointed assignee, as in the said plea of this defendant alleged, in his said capacity did present to the said district court his petition, wherein, among other things, he set forth, that the said plaintiffs had caused to be made the said attachment of the said goods in the said replication mentioned; that such attachment was not a valid lien on the said goods, as required the said Howland, in his said capacity, and that (by reason thereof) neither the deputy of the sheriff, by whom said attachmant was made, nor the sheriff whose deputy had made such attachment, lawfully could, by reason thereof, detain or keep the said goods from the said Howland, in his said capacity; and so the said Howland, in his said capacity, did pray the said district court, among other things, to order and decree that the said sheriff and his said deputy should render and account unto the said Howland of all the said goods so attached as aforesaid, and should deliver to the said Howland, in his said capacity, all such goods, and the proceeds of any sale or sales thereof, and that due process might issue, to bring the said sheriff and his said deputy before the said district court, to answer to the said premises.

And afterwards, viz., on the fifteenth day of January, in the year of our Lord eighteen hundred and forty-four, after due notice to all parties, and after a hearing of the parties in the premises, it was ordered and decreed, by the said district court, that the said sheriff and his deputy should deliver up to the said Howland, in his said capacity, to be administered, all the goods aforesaid, attached as aforesaid, and should account to him, in his said capacity, for the proceeds of any and all such of the said goods, if any, as had been sold by them, or either of them. All which will more fully appear in and by the duly authenticated copy of the record of the said district court, in the matter of the said petition, which is here in court to be produced; and this he is ready to verify.

Wherefore, he prays judgment whether the said plaintiffs ought to have judgment to be levied as prayed for by them, in and by their said replication.

By HANDERSON & EDWARDS,
His attorneys.

And the said William Bellows, in answer to the matter in the said plaintiffs' replication alleged, says, that by reason of any thing by the said plaintiffs therein alleged, they ought not to have judgment for their damages aforesaid, to be levied of the goods and chattels of the said Bellows and Peck, by the said plaintiffs alleged to have been attached as aforesaid; because he says, that heretofore, viz., on the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and forty-three, the said Aaron P. Howland having been duly appointed assignee, as in the said plea of this defendant alleged, in his said capacity, did present to the said district court his petition, wherein, among other things, he set forth, that the said plaintiffs had caused to be made the said attachment of the said goods in the said replication

mentioned; that such attachment was not a valid lien on the said goods, as against the said Howland in his said capacity; and that (by reason thereof) neither the deputy of the sheriff by whom such attachment was made, nor the sheriff whose deputy had made such attachment, lawfully could, by reason thereof, detain or keep the said goods from the said Howland in his said capacity; and so that the said Howland, in his said capacity, did pray the said district court, among other things, to order and decree that the said sheriff, and his said deputy, should render an account unto the said Howland of all the said goods so attached as aforesaid, and should deliver to the said Howland, in his said capacity, all such goods, and the proceeds of any sale or sales thereof, and that due process might issue, to bring the said sheriff and his said deputy before the said district court, to answer to the said premises.

And afterwards, viz., on the fifteenth day of January, in the year of our Lord eighteen hundred and forty-four, after due notice to all parties, and after a hearing of the parties in the premises, it was ordered and decreed, by the said district court, that the said sheriff and his deputy should deliver up to the said Howland, in his said capacity, to be administered, all the goods aforesaid, attached as aforesaid, and should account to him, in his said capacity, for the proceeds of any and all such of the said goods, if any, as had been sold by them, or either of them. All which will more fully appear in and by the duly authenticated copy of the record of the said district court, in the matter of the said petition, which is here in court to be produced; and this he is ready to verify.

Wherefore, he prays judgment whether the said plaintiffs ought to have judgment to be levied as prayed for by them in and by their said replication.

By HANDERSON & EDWARDS,
His attorneys.

And the plaintiffs say, that by any thing by the said Philip Peck in his rejoinder alleged, they ought not to be barred from having and maintaining their action aforesaid; because they say that the plea aforesaid, in manner and form aforesaid by the said Peck above in rejoining pleaded, and the matter in the same contained, are not sufficient in law to bar the plaintiffs from having and maintaining their action aforesaid; to which the plaintiffs have no necessity, nor are bound by the law of the land to answer. Wherefore, for want of a sufficient rejoinder in this behalf, the plaintiffs, as before, pray judgment, and their damages and costs to be adjudged to them, to be levied upon the goods and chattels in their replication mentioned.

By GOODRICH & CHAMBERLAIN,
Their attorneys.

And the plaintiffs say that, by reason of any thing by the said William Bellows in his rejoinder alleged, they ought not to be barred from having and maintaining their action aforesaid; because they say that the plea aforesaid, in manner and form aforesaid, by the said Bellows above

in rejoining pleaded, and the matter in the same contained, are not sufficient in law to bar the plaintiffs from having and maintaining their action aforesaid. To which the plaintiffs have no necessity, nor are bound, by the law of the land, to answer.

Wherefore, for want of a sufficient rejoinder in this behalf, the plaintiffs, as before, pray judgment, and their damages and costs to be adjudged to them, to be levied upon the goods and chattels in their replication mentioned.

By GOODRICH & CHAMBERLAIN,
Their attorneys.

And the said Philip Peck, for that he has in his rejoinder above pleaded alleged sufficient matter in law to preclude the plaintiffs from having their said action against him, which he is ready to verify; which said matter the said plaintiffs do not deny, nor thereunto in any wise answer; as before, prays judgment, and that the said plaintiffs may be precluded from further having and maintaining their said action.

By HANDERSON & EDWARDS, *His att'ys.*

And the said William Bellows, for that he has in his rejoinder above pleaded, alleged sufficient matter in law to preclude the plaintiffs from having their said action against him, which he is ready to verify; which said matter the said plaintiffs do not deny, nor thereunto in any wise answer; as before, prays judgment, and that the said plaintiffs may be precluded from further having and maintaining their said action.

By HANDERSON & EDWARDS, *His att'ys.*

Issue being thus joined, and fully made up between the parties, and the parties, by their counsel, their several pleas and allegations being fully heard, it is considered by the court that the rejoinders aforesaid are insufficient, and that, for the reasons set forth in the replications of the plaintiffs, they ought to have and maintain their action against the defendants, and have judgment for their damages in manner and form as they have prayed for in their said replications, for the purpose of levying the same on the property attached.

It is therefore further ordered by the court, that the plaintiffs recover against the said Philip Peck and William Bellows eighteen hundred and eighteen dollars and eighty-seven cents, $1818 87 damages and costs of suit, taxed at thirty-three dollars and fifty-six cents, $33 56; which sums are to be levied only of the goods, chattels, and estate of the defendants, attached upon the plaintiffs' writ aforesaid, and described in the plaintiffs' said replications, and not otherwise."

And thereafterwards, on the said 16th day of June, A. D. 1845, the said Philip Peck and William Bellows filed in the clerk's office of the supreme court of judicature, for said county, an assignment of errors, which they say hath happened in the record and process aforesaid, and in the giving of the judgment aforesaid; which said assignment of errors is as follows:

Errors filed in the clerk's office of the superior court of judicature,

this 16th day of June, A. D. 1845, to be assigned at the superior court of judicature, to be holden at Newport, in the county of Sullivan, for the 3d judicial district, on the first Tuesday of July, A. D. 1845, wherein Philip Peck and William Bellows, both of Walpole, in the county of Chesire, merchants and co-partners, negotiating under the firm of Philip Peck & Co., are plaintiffs in error, and John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Co., are defendants in error. In the record and proceedings of a certain plea of the case, before the justices of our court of common pleas, holden at Keene, in said county of Cheshire, on the third Tuesday of March, A. D. 1845, wherein the said Jenness, Gage, and Lyon, were plaintiffs, and the said Bellows and Peck defendants. In which action, at the town aforesaid of said court of common pleas, the said Jenness, Gage & Lyon, recovered judgment against the said Peck & Bellows for $1818 87 damages, and $33 56 costs; which judgment is to be brought before said superior court at the July term thereof aforesaid, by writ of error.

And the said Peck and Bellows say, that in the record and proceedings aforesaid, and in the rendition of the judgment aforesaid, there is manifest error in this:

For that the pleas of the said Peck & Bellows, in manner and form aforesaid pleaded, and the rejoinders to the replications of the said Jenness, Gage & Lyon, and the matter therein contained, are sufficient in law to preclude the said plaintiffs from having and maintaining their said action, and that said replications are no sufficient answer to the said pleas and rejoinders of said Peck & Bellows, and contain no matter which in law entitles them to have judgment as aforesaid.

And there is also error in this, to wit, for that, by the record aforesaid, it appears that the judgment aforesaid, in form aforesaid given, was given for the said Jenness, Gage & Lyon, against the said Peck & Bellows. Whereas, by the law of the land, said judgment ought to have been given in favor of the said Peck & Bellows, or of the said Aaron P. Howland, their assignee, against the said Jenness, Gage & Lyon; and the said Peck & Bellows pray that the judgment aforesaid, for the errors aforesaid, and for other errors in the record and proceedings aforesaid, may be reversed, annulled, and held for nothing, and that they may be restored to all things which they have lost by reason of said judgment.

By HANDERSON & EDWARDS,
Attorneys to said Peck & Bellows.

And thereafterwards, on the said 16th day of June, A. D. 1845, our said court granted unto the said Philip Peck & William Bellows a writ of scire facias to summon the said John S. Jenness, John Gage, and John E. Lyon, to appear at the superior court of judicature, to be holden at Newport, in our county of Sullivan, within and for the third judicial district, on the first Tuesday of July, A. D. 1845, to hear the record and process aforesaid; which said writ is as follows:

The State of New Hampshire, Cheshire, ss.

[L. S.] To the sheriff of any county in this State, or his deputy:

Whereas in the record and process, and also in the giving judgment of a suit which was in our court of common pleas, held at Keene, within and for said county, on the third Tuesday of March, A. D. 1845, before Ira A. Eastman, esquire, and his companions, our justices of the same court, between John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and State of Massachusetts, merchants and co-partners, negotiating under the firm of Jenness, Gage & Co., plaintiffs, and Philip Peck and William Bellows, both of Walpole, in said county of Cheshire, merchants and co-partners, negotiating under the firm of Philip Peck & Co., defendants, in a plea of the case for the sum of two thousand dollars, by the said John S. Jenness, John Gage, and John E. Lyon, demanded of said Philip Peck and William Bellows, of which the said John S. Jenness, John Gage, and John E. Lyon recovered eighteen hundred and eighteen dollars and eighty-seven cents, with costs of prosecution, taxed at thirty-three dollars and fifty-six cents, whereof the said Philip Peck and William Bellows are convict, manifest error hath happened, as it is said, to the grievous damage of the said Philip Peck and William Bellows, as by their complaint we perceive; the record of which judgment and process, we, for certain reasons, have caused to be brought before us in our superior court of judicature. We, desiring that the error, if any there be, may be duly corrected, and full and speedy justice herein done to the parties aforesaid, command you that you make known to the said John S. Jenness, John Gage, and John E. Lyon, to be before our justices of our said superior court of judicature, to be holden at Newport, in our county of Sullivan, within and for the third judicial district, on the first Tuesday of July next, to hear the record and process aforesaid, if thought expedient, and further to do and receive that which the same court shall consider in this behalf. And have you there this writ, with your doings therein.

Witness Joel Parker, esquire, at Keene, in said county, this sixteenth day of June, A. D. 1845. L. BISCO, *Clerk*.

And then, afterwards, on the 26th day of June, A. D. 1845, the said John S. Jenness, John Gage, and John E. Lyon, acknowledged in writing, under their several hands, that the *the* aforesaid writ of scire facias had been duly served upon them; which said acknowledgment is as follows:

We hereby agree that we have been duly served with the within writ of scire facias, and also a certified copy of the errors assigned and filed in the clerk's office. We waive all objection to the time and manner of service, and the time of instituting the process in error, and fully admit due service upon us.

June 26th, 1845.

JOHN S. JENNESS,
JOHN GAGE,
JOHN E. LYON.

Witness—
A. C. HASKELL.

Now, the aforesaid action being duly entered at this term, the parties appear, by their counsel; and thereupon the defendants say that there is no error, either in the record or proceedings aforesaid, or in giving the judgment aforesaid; and they pray that the court here may proceed to examine, as well the record and proceedings aforesaid as the matters aforesaid assigned for error; and that the judgment aforesaid, in form aforesaid given, may be in all things affirmed; and the plaintiffs in error joined said issue.

Whereupon the parties, by their counsel, being fully heard, and the record and process aforesaid, and the judgment thereon given, being duly examined, it is considered by the court that no error hath happened in the record and process aforesaid, and in the giving of the aforesaid judgment.

It is therefore further considered and ordered by the court here, that the aforesaid judgment of the court of common pleas be affirmed.

Attest: L. BISCO, *Clerk*.

UNITED STATES, *ss:*

The President of the United States, to the chief justice and the other justices of the superior court of judicature of the State of [L. S.] New Hampshire, holden in and for the third judicial district of said State of New Hampshire, greeting:

Because that, in the record and process, and also in the rendering of judgment, in a suit before you, or some of you, between John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Company, and Philip Peck and William Bellows, both of Walpole, in said State of New Hampshire, merchants and co-partners, negotiating under the firm of Philip Peck & Company; which suit was a writ of error for the reversal of a judgment rendered against the said Philip Peck & William Bellows at a term of the court of common pleas holden at Keene, within and for the county of Cheshire, on the third Tuesday of March, A. D. 1845, in a plea of the case in favor of Jenness, Gage & Company, against Philip Peck & Company, a manifest error has intervened, to the great damage of the said Philip Peck and William Bellows, as in their complaint has been stated. And as it is just and proper that the error, if any there be, be corrected in due manner, and that full and speedy justice should be done to the parties aforesaid in this behalf, you are hereby commanded, that, if judgment thereof be given, then under your seals, or the seal of one of you, you do distinctly and openly send the record and process in the suit aforesaid, with all things concerning them, and this writ, so that you have the same before the chief justice and the associate justices of the Supreme Court of the United States, on the first Monday of December next, at Washington, being the present seat of the National Government; that the record and process aforesaid being inspected, they may cause to be done thereupon what of right ought to be done.

Witness the honorable Roger B. Taney, esquire, chief justice of the said Supreme Court, at Washington aforesaid, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and forty-five, and of the independence of the United States the seventieth.

JOHN L. HAYES, *Clerk*.

October 24th, 1845.

A bond, with two and sufficient sureties for the due prosecution of the present writ of error, having been given, in pursuance of law, and approved by me, I do thereupon allow this writ of error.

LEVI WOODBURY,
Ass. Jus. of Sup. Ct. of U. States.

State of New Hampshire, Nov. 13, 1845.

[L. S.] The record and process in the suit aforesaid, with all things concerning them, I herewith send, as above commanded, duly certified under the seal of said superior court of judicature, by Leonard Bisco, who is clerk of said court.

J. PARKER,
Sup. Court Jud. of New Hampshire.

United States of America, district of New Hampshire, ss:

To John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Company, greeting:

Whereas there has issued, with my allowance, having taken our security, a writ of error, bearing date the twenty-fourth day of October, A. D. 1845, and bearing teste of the chief justice of the United States, directed to the chief justice and the other justices of the superior court of judicature of the said State of New Hampshire, holden within and for the third judicial district of said State of New Hampshire, wherein it is suggested that, in the record and process, and also in the rendering of judgment, in a certain suit in the said court, wherein Philip Peck and William Bellows, both of Walpole, in said State of New Hampshire, were plaintiffs in error against you, the said John S. Jenness, John Gage, and John E. Lyon, defendants in error, a manifest error has intervened, to the great damage of the said Philip Peck and William Bellows, and contrary to the Constitution and laws of the United States, as the said Philip and William have, in their complaint, alleged; and the said chief justice, and other justices, are thereby commanded, if judgment thereon be given, that, under their seals, or the seals of one of them, they do distinctly and openly send the record and process in the said suit, and all things concerning the same, together with the said writ, so that the same be had and returned to the next term of the Supreme Court of the United States, to be holden at Washington, in the District of Columbia, on the first Monday of December next ensuing, that the record and process aforesaid being in-

spected, the said Supreme Court may cause to be done thereupon what of right ought to be done.

You therefore will take notice of the said writ of error, and of the return and filing of the same as aforesaid; and you are hereby cited to appear, if you see cause, at the said Supreme Court of the United States, so to be holden as aforesaid, and to make answer thereto.

Given under my hand and seal this twenty-fourth day of October, A. D. one thousand eight hundred and forty-five.

[L. S.] LEVI WOODBURY,
As. Jus. Sup. Ct. of the United States.

Boston, October 29th, 1845. Service of this writ has been this day duly and legally made.

JOHN S. JENNESS,
JOHN GAGE,
JOHN E. LYON,
By J. S. JENNESS.

Attest: C. B. GOODRICH,
Of counsel for said defendants.

Errors to be assigned at the Supreme Court of the United States, to be holden at Washington, the present seat of our National Government, on the first Monday of December, A. D. 1845, in a suit wherein Philip Peck and William Bellows, both of Walpole, in the county of Cheshire, and State of New Hampshire, merchants, negotiating under the firm of Philip Peck & Company, are plaintiffs in error, and John S. Jenness, John Gage, and John E. Lyon, all of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, merchants, negotiating under the firm of Jenness, Gage & Company, are defendants in error, in the record and proceedings, and also in the rendering of judgment in a suit before the superior court of judicature holden at Newport, in and for the third judicial district in the State of New Hampshire, on the first Tuesday of July, A. D. 1845, being the highest court of law or equity of said State of New Hampshire in which a decision in the said suit could be had; which suit was a writ of error for the reversal of a judgment rendered against the said Philip Peck and William Bellows, at a term of the court of common pleas, holden at Keene, within and for the said county of Cheshire, on the third Tuesday of March, A. D. 1845, in a plea of the case in favor of the said Jenness, Gage & Company, against the said Philip Peck & Company; in which action, at the term aforesaid of said court of common pleas, the said Jenness, Gage & Company recovered judgment against the said Philip Peck and Company for eighteen hundred and eighteen dollars and eighty-seven cents damages, and thirty-five dollars and fifty-six cents costs.

And the said Philip Peck and William Bellows say, that, in said superior court of judicature of said State of New Hampshire, were drawn in question the validity of an authority exercised by the district court of the United States for the district of New Hampshire, under

the United States; and the decision of said superior court of judicature was against the validity of said authority; and also the construction of clauses of a statute of the United States, entitled "An act to establish a uniform system of bankruptcy throughout the United States," passed August 19, 1841; and the decision of said superior court of judicature was against the title, right, privilege, and exemption specially set up and claimed in said suit by the said William Bellows and Philip Peck, and by Aaron P. Howland, their assignee in bankruptcy, under said clauses.

And the said Philip Peck and William Bellows further say, that, in the record and proceedings aforesaid of said superior court of judicature, and in the rendition of the aforesaid judgment of said court, there is manifest error, in this, for that the pleas of the said Peck and Bellows, in manner and form aforesaid pleaded in said court of common pleas, and the rejoinders to the replications of the said Jenness, Gage, and Lyon, there pleaded, and the matter therein contained, are sufficient in law to preclude the said Jenness, Gage, and Lyon, from having and maintaining their said action; and that said replications are no sufficient answer to the said pleas and rejoinders of said Peck and Bellows, and contain no matter which entitles them to have judgment as aforesaid.

And there is also error in this, to wit, for that, by the record aforesaid, it appears that the judgment aforesaid of said court of common pleas, in form aforesaid given, was given for the said Jenness, Gage, and Lyon, against the said Peck and Bellows; whereas, by the law of the land, said judgment ought to have been given in favor of the said Peck and Bellows, or of the said Aaron P. Howland, their assignee, against the said Jenness, Gage, and Lyon.

And there is also error in this, to wit, for that, by the record aforesaid, it appears that the judgment aforesaid of said superior court of judicature, in form aforesaid given, was given for the said Jenness, Gage, and Lyon, against the said Peck and Bellows; whereas, by the law of the land, said judgment ought to have been given in favor of the said Peck and Bellows, or of the said Aaron P. Howland, their assignee, against the said Jenness, Gage, and Lyon.

And the said Peck and Bellows pray that the judgment aforesaid, for the errors aforesaid, and for other errors in the record and proceedings aforesaid, may be reversed, annulled, and held for nothing; and that they may be restored to all things which they have lost by reason of said judgment. By THOMAS M. EDWARDS,

Attorney to said Peck and Bellows.

Cheshire, ss., C. C. Pleas, March term, 1845.

In the actions—

John S. Jenness and al. vs. Philip Peck and al.,
George W. Crockett and al. vs. same,
Richard W. Shapleigh and al. vs. same,
Luke Carter and al. vs. same,
Cheshire Bank vs. same.